

OLC 78-0399/14

10 February 1978

*Pro Leg.
Charter + Guideline*

MEMORANDUM FOR THE RECORD

SUBJECT: Introduction of Intelligence Charter Legislation

STAT

STAT

1. The Senate Select Committee on Intelligence held an open session, in the nature of a press conference, on the morning of Thursday, 9 February 1978, to announce the introduction of the intelligence charter legislation. Present from the Office of Legislative Counsel were Mr. [REDACTED]

Present from the Committee for all or part of the session were: Senators Bayh, Goldwater, Garn, Mathias, Lugar, Huddleston, Morgan and Moynihan.

2. All of the Senators present took the occasion to make brief remarks concerning the introduction of the intelligence charter legislation. Mr. Bayh stressed that "none of us" were totally happy with everything in the legislation and that the Committee was prepared to listen to objections and other views that would strengthen the bill as introduced. Senator Goldwater, who indicated he was co-sponsoring the legislation, stressed that the legislation would take an extended period of time to finalize and that care would have to be taken to avoid further damage to the Government's intelligence apparatus. Senator Huddleston indicated that the Committee had received much valuable input during the drafting process from Executive agencies and departments and from outside interest groups and that, based on these discussions, the Committee already had worked out a number of disagreements. At the same time, Senator Huddleston conceded that the legislation is far from perfect, but will form the basis for a strong statutory charter. Senator Huddleston stressed that statutory "charters and guidelines" are necessary and are much preferable to an Executive Order. Senator Mathias stressed his hope that the U.S. would have the best intelligence service in the world and which would, as a result of strong charters, operate "within the law" and "subject to law." Senator Morgan commended the work of the Intelligence Charters and Guidelines Subcommittee and indicated that in his view the development of intelligence charters was "an essential step." Senator Garn indicated that although he was a co-sponsor of this legislation, there were many aspects of it with which he did not personally agree and as to which he would work to eliminate. Senator Garn went on to state that

MORI/CDE

although he felt that it is important to begin the process of reducing the uncertainty surrounding the Government's intelligence services and of rebuilding public confidence in it, he might wind up voting against the charter legislation if objectionable provisions are not amended. Senator Moynihan took the occasion to reiterate his concern over the magnitude of Soviet electronic surveillance within the U.S. and indicated that he was pleased that the charter legislation required the National Security Council to look into this matter. Senator Lugar stated that he was a co-sponsor of this legislation and that in his view its introduction was a "unique occasion."

3. Following the comments of each of the Senators present, Senators Huddleston and Bayh described very briefly certain aspects of each of the different titles.

4. A brief question and answer period was held, attended by Senators Huddleston and Mathias. The questions concerned the following provisions in the charter legislation bill:

--whether Title II authorized the Attorney General to approve violations of law;

--the parameters of the prohibitions on the use of various categories of persons, including journalists, persons following religious vocations, and academics;

--restrictions on and controls over electronic surveillance by the National Security Agency;


--whether Title I authorized the "non-violent overthrow" of democratic governments;

--why the restriction in Title I as to assassination of foreign officials did not cover "all" foreign persons;

--retention and use of information on U.S. persons by the National Security Agency; and

--why the bill did not provide a flat ban on intelligence agencies' experimentation on human subjects.

STAT


Assistant Legislative Counsel

Distribution:

1 - DDCI	1 - DDO/PCS/LSN	1 - Asst. for Public Affairs
1 - ER	1 - DDS&T	1 - OGC
1 - NFAC	1 - DDA	1 - Tom Harvey
1 - AD-M/NFAC	1 - IG	
1 - IC Staff	1 - Compt	

OLC:RLB:sm (10 Feb 78)